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Commissioner for Patents
P.O. Box 1450
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on May 13, 2004

Date of Deposit

G. Peter Nichols

Name of applicant, assignee, or
Registered Representative

Signature

May 13, 2004

Date of Signature

Our Case No. 659-923 (K-C 17,699)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jennifer Marvin)

Serial No. 10/038,765)

Filing Date: January 2, 2002)

For TAMPON APPLICATOR AND
METHOD OF USING SAME)

Examiner Kidwell

Group Art Unit No. 3761

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This responds to the Restriction Requirement mailed April 14, 2004. Applicant elects Species 1 and subspecies 1, which the Examiner relates to Figs. 1A, 1B, and 2A, respectively. Applicant also notes that claim 1 appears to be generic to each of the subspecies 1-3 (as shown in Figs. 2A, 2B, and 2C) because claim 1 requires a stopping

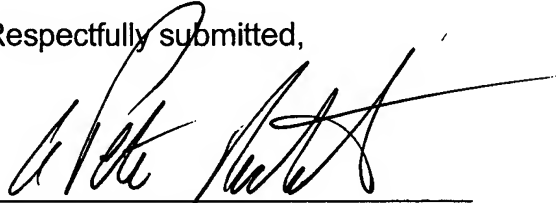
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USSN 10/038,765
Response to April 14, 2004 Office Action
659-923 (K-C 17,699)

member and dependent claims 8, 9, and 10 (encompassing Figs. 2A, 2B, and 2C, respectively) further identify the stopping member.

If, for any reason, the Examiner feels that the above amendments and remarks do not put the claims in condition for allowance, the undersigned attorney can be reached at (312) 321-4276 to resolve any remaining issues.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'G. Peter Nichols', written over a horizontal line.

G. Peter Nichols
Registration No. 34,401
Attorney for Applicant

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200



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CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

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Date: May 13, 2004 Name: G. Peter Nichols

Signature: *G. Peter Nichols*

BRINKS
HOFFER
GILSON
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Jennifer Marvin

Appln. No.: 10/038,765

Filed: January 2, 2002

For: TAMPON APPLICATOR AND METHOD
OF USING SAME

Attorney Docket No: 659-923 (17,699)

Examiner: Kidwell

Art Unit: 3761

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Response to Restriction Requirement
☒ Return Receipt Postcard

Fee calculation:

- ☐ No additional fee is required.
☐ Small Entity.
☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(____).
☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total	20	Minus	20	0	x \$9=			x \$18=	
Indep.	3	Minus	3	0	x 43=			x \$86=	
First Presentation of Multiple Dep. Claim					+\$145=			+\$290=	
					Total	\$		Total	\$

Fee payment:

- ☒ A check in the amount of \$_____ to cover the above-identified fee(s) is enclosed.
☐ Please charge Deposit Account No. 23-1925 in the amount of \$_____. A copy of this Transmittal is enclosed for this purpose.
☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

May 13, 2004
Date

G. Peter Nichols
G. Peter Nichols (Reg. No. 34,401)

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